### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re	Patent A	Application of	Confirmation	No. 4002	RECEIVED
1YAH	NES et a	al	Atty. Ref.:	1579-548	APR 2 0 2005
Seria	No.	09/775,805	Group:	1648	FFICE OF PETITIONS
Filed:	Fe	ebruary 5, 2001	Examiner:	Stucker, J	
For:	HUMA	AN IMMUNODEFICIENCY VIRUS IMMU	NOGENIC C	OMPOSITI	ON
		* * * * * * * *	* * *		
P.O. I	3ox 145	er for Patents 60 /A 22313-1450	April 20, 200	)5	
Sir:		INFORMATION DISCLOSURE	STATEMENT		
	1.	PTO-1449 Pursuant to 37 CFR 1.97(b) [within 3 months of filing or prior to 1st	•	on the mer <i>N/</i> C	_
	2.(a)	Statement Pursuant to 37 CFR 1.97(c) [before Final Office Action or Allowance Statement or Rule 17(p) fee)]	•	ıle 97(e) N/C	<b>;</b>
	2 .(b)	Fee Payment Pursuant to 37 CFR 1.9 [before Final Office Action or Allowance Statement or Rule 17(p) fee)]	• •	ıle 97(e) <i>\$180.00</i>	)
	3.	Pursuant to 37 CFR 1.97(d) [after Final Office Action or Allowance ( Statement and Rule 17(p) fee), but before	•	, ,	)
37 C.		llowing are submitted in the above-identi 1.97 and 1.98:	fied applicatio	on in compl	liance with
$\boxtimes$	i	A list of documents on Form PTO-1449 to dentified document and a translation or a each non-English language document (so enclosed herewith.	a concise exp	lanation of	

HAYNES et al. Serial No. 09/775,805
April 20, 2005

This	paper	is submitted in accordance with:
$\boxtimes$	5.	37 CFR 1.97(b): [within 3 months of filing or prior to 1st Office Action]
	6.	37 CFR 1.97(c): [before Final Office Action or Allowance, whichever is earlier] and
		a) The required Statement made in item 8 below; or
		b) The \$180.00 fee specified in 37 CFR §1.17(p) for submission of this Information Disclosure Statement is authorized in item 9 below.
	7.	37 CFR §1.97(d): [after Final Office Action or Allowance (requires Rule 97(e) Statement and Rule 17(p) fee), but before final fee payment]; and
		a) The fee (\$180.00) required by 37 CFR §1.17(p) is submitted herewith; and
		b) The required Statement is stated in item 8 below.
	8.	Statement under 37 CFR 1.97(e)
		a) The undersigned attorney of record hereby certifies under 37 C.F.R. §1.97(e) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement (each item contained in this IDS was the first citation of that item by a foreign patent office in a counterpart foreign application which occurred no more than three months prior to the filing of this IDS); or
		b) No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement, after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
	9.	Please charge all deficiency fees associated with the submission of this Information Disclosure Statement and any other fees applicable to this application to Deposit Account No. 14-1140. An original and one (1) copy of this document are enclosed.

HAYNES et al.
Serial No. 09/775,805
April 20, 2005

Respectfully submitted, NIXON & VANDERHYE P.C.

By: Nexy !!

1100 North Glebe Road, 8th Floor

Arlington, VA 22201-4714 Telephone: (703) 816-4000 Facsimile: (703) 816-4100

INFORM	IATION DISCLOSU	RE ATTY.	DOCKET NO.	SERIA	NO.			•
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•	WO 2004/009785	1/2004	WIPO					-
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	U.S. Provisional Appli	cation No. 6	60/503,460 filed September 17, 20	03 and	II S Dr	ages, etc.	<u>)</u>	No
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*Examiner	Subcutaneous injectio	III , AIUS R	esearch and Human Retroviruses  Date Considered	13(1):2	ყ-პ∠ (19	197)		
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Form PTO-FB-A820 (Also PTO-1449)

### INFORMATION DISCLOSURE CITATION

1579-548 Applicant

Atty. Docket No.

Serial No.

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(Use several sheets if necessary)

HAYNES et al
Filing Date

TC/A.U.

APR 2 0 2005

February 5, 2001

OFFICE OF PETITIONS

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The European Patent Office herewith transmits

#### Europäisches Patentamt

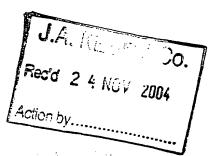
Zweigstelle in Den Haag Recherchenabteilung

#### European Patent Office

Branch at The Hague Search division Office européen des brevets

Département à La Haye Division de la recherche

Woods, Geoffrey Corlett J.A. KEMP & CO. Gray's Inn 14 South Square London WC1R 5JJ GRANDE BRETAGNE



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Zeichen/Ref./Réf. N.86275PJC	A	nmeldung Nr/Application No/Demande n°/Patent Nr /Patent No/Brevet n°.
Anmelder/Applicant/Demandeur/Patentii Beth Israel D	nhaber/Proprietor/Titulaire Deaconess Medica	l Center, et al

### COMMUNICATION

	the European search report
	the declaration under Rule 45 EPC
X	the partial European search report under Rule 45 EPC
	the supplementary European search report concerning the international application under Article 157(2) EPC relating to the above-mentioned European patent application. Copies of the documents cited in the search report are enclosed.
The followi	g specifications given by the applicant have been approved by the Search Division:
	Abstract Title Figure
	The abstract was modified by the Search Division and the definitive text is attached to this communication.
	The following figure will be published with the abstract, since the Search Division considers that it better characterises the invention than the one indicated by the applicant.
	Figure:
☒	Additional copy(copies) of the documents cited in the European search report.

### REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.



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CLAIMS INCURRING FEES
The present European patent application comprised at the time of filing more than ten claims.
Only part of the claims have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims and for those claims for which claims fees have been paid, namely claim(s):
No claims fees have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims.
LACK OF UNITY OF INVENTION
The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:
see sheet B
All further search fees have been paid within the fixed time limit. The present European search report has been drawn up for all claims.
As all searchable claims could be searched without effort justifying an additional fee, the Search Division did not invite payment of any additional fee.
Only part of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the inventions in respect of which search fees have been paid, namely claims:
1-8 partially, relating to inventions 1,12,13,14,15,26,27,28,29
None of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims, namely claims:

Application Number EP 01 90 5398

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

1. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named mouse A-Th/A-CTL in Table 3

2. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named mouse B-Th/B-CTL in Table 3  $\,$ 

3. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named mouse C-Th/C-CTL in Table 3

4. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named mouse D-Th/D-CTL in Table 3

5. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named macaque Th1/CTL/SIV Gag in Table 3

6. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named macaque Th2/CTL/SIV Pol in Table 3  $\,$ 

7. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named macaque Th3/CTL/HIV-1 Env in Table 3  $\,$ 

Application Number

EP 01 90 5398

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named macaque Th2/CTL/SIV Gag/pllc/I-Y in Table 3

9. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named macaque Th3/CTL/SIV Gag/pl1c/I-A in Table 3

10. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named macaque Th4/CTL/SIV Gag/pllc/I-D in Table 3

11. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named macaque Th5/CTL/SIV Gag/pllc/I-K in Table 3

12. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named human A-Th/A-CTL in Table 3 (Cont'd)

13. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named human B-Th/B-CTL in Table 3 (Cont'd)

14. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named human C-Th/C-CTL in Table 3 (Cont'd)

**Application Number** 

EP 01 90 5398

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named human D-Th/D-CTL in Table 3 (Cont'd)

16. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named human A-Th/E-CTL in Table 3 (Cont'd)

17. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named human B-Th/F-CTL in Table 3 (Cont'd)

18. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named human C-Th/G-CTL in Table 3 (Cont'd)

19. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named human D-Th/H-CTL in Table 3 (Cont'd)

20. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named E-Th/I-CTL in Table 3 (Cont'd)

21. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named human B-Th/E-CTL in Table 3 (Cont'd)

Application Number

EP 01 90 5398

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named human C-Th/J-CTL in Table 3 (Cont'd)

23. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named human A-Th/K-CTL in Table 3 (Cont'd)

24. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named human D-Th/L-CTL in Table 3 (Cont'd)

25. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named human E-Th/M-CTL in Table 3 (Cont'd)

26. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named human A\*-Th/J-CTL in Table 3 (Cont'd)

27. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named human A\*-Th/K-CTL in Table 3 (Cont'd)

28. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named human A\*-Th/L-CTL in Table 3 (Cont'd)

Application Number EP 01 90 5398

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named human A\*-Th/M-CTL in Table 3 (Cont'd)

30. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named MVA-1 in Table 4

31. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named MVA-2 in Table 4

32. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named MVA-3 in Table 4

33. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named MVA-4 in Table 4

34. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named MVA-5 in Table 4

35. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named MVA-6 in Table 4



Application Number EP 01 90 5398

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named MVA-7 in Table 4

37. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named MVA-8 in Table 4

38. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named MVA-9 in Table 4

39. claims: 1-8 partially

vaccine, polypeptide, DNA sequence, composition corresponding to the peptide named MVA-10 in Table 4



## SUPPLEMENTARY PARTIAL EUROPEAN SEARCH REPORT

**Application Number** 

which under Rule 45 of the European Patent ConventionEP 01 90 5398 shall be considered, for the purposes of subsequent proceedings, as the European search report

	DOCUMENTS CONSID	ERED TO BE RELEVANT		
Category	Citation of document with ir of relevant pass	ndication, where appropriate, ages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.CI.7)
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not comp be carried Claims se Claims se Claims no Reason f		application, or some or all of its claims, does a meaningful search into the state of the art of the following claims:		
	Place of search	Date of completion of the search		Examiner
	Munich	8 November 2004	Lou	ıbradou-Bourges, N
X : par Y : par doc A : tec O : noi	CATEGORY OF CITED DOCUMENTS ticularly relevant if taken alone ticularly relevant if combined with anotument of the same category hnological background n-written disclosure trmediate document	E : earlier patent do after the filing da	cument, but publite n the application or other reasons	lished on, or

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Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
A	HALE P M ET AL: "T CELL MULTIDETERMINANT REGIONS IN THE HUMAN IMMUNODEFICIENCY VIRUS ENVELOPE: TOWARD OVERCOMING THE PROBLEM OF MAJOR HISTOCOMPATIBILITY COMPLEX RESTRICTION" INTERNATIONAL IMMUNOLOGY, OXFORD UNIVERSITY PRESS, GB, vol. 1, no. 4, 1 September 1989 (1989-09-01), pages 409-415, XP000605987 ISSN: 0953-8178 * the whole document *	1-8	
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**Application Number** 

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Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	· · · · · · · · · · · · · · · · · · ·
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Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
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#### PARTIAL EUROPEAN SEARCH REPORT

**Application Number** 

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Category	of relevant passages	Relevant to claim	
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**Application Number** 

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Claim(s) searched incompletely: 2-8

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Reason for the limitation of the search:

Present claims 2-8 relate to an extremely large number of possible compounds. Support within the meaning of Article 84 EPC and/or disclosure within the meaning of Article 83 EPC is to be found, however, for only a very small proportion of the compounds claimed. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has been carried out for those parts of the claims which appear to be supported and disclosed, namely those parts relating to the compounds mentioned in Table 3 and 4.